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## **HB 5174 An Act Concerning Service of Process Actions Fees in Foreclosure**

Chairman Lawlor, Chairman McDonald, honorable members of the Judiciary Committee:

Thank you for raising HB 5174 An Act Concerning Service of Process Fees in Foreclosure Actions. This bill will ease the financial burden on home and business owners struggling to prevent foreclosure while preserving reasonable and just fees to Connecticut State Marshals

I believe HB 5174 simply clarifies the intent of the actual law (Sec. 52-261), which defines reasonable fees that a Connecticut State Marshals can charge home, business owners and banks when delivering foreclosure complaints or writs.

A foreclosure requires two things: a notice of Lis Pendens - pending liability - (Sec. 52-325c), a certified, 2 or 3 page document prepared by the attorney and filed on the land records and a writ or complaint. A State Marshal delivers both items to the property owner during a single visit as set forth under Sec. 52-261. There is no need to attach the Lis Pendens to any other defendant's writ or complaint, but many marshals do and charge a service fee. Generally, a marshal or any other person, for that matter, can visit the town clerk to purchase and file a Lis Pendens. .

The attorney undertaking the foreclosure provides copies of writs or complaints stapled and organized, to be served to each defendant and bill the cost of making the copies to the property owner or bank.

The town clerk charges for each copy of the Lis Pendens and the owner or bank pays for them.

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Connecticut State Marshals may choose to make additional copies and charge an additional dollar per page per copy. I believe the intent of the existing language "dollar per page" in Sec. 52-261 is applied in the event that the State Marshal himself has to make a copy of a document to serve. The existing practice I believe is an overcharge and burden to the homeowner and business owner struggling with foreclosure.

I have enclosed a breakdown of an actual cost of foreclosure fees upon a property located at 535 Quinnipiac Ave New Haven. Note that the fees to the State Marshal for the simple delivery of the 5 writs is greater than the attorney's bill to draft, and prepare all legal documents.

There are over 200 Connecticut State Marshals. The three marshals who earned the greatest income during 2007 did so by serving mostly foreclosure writs or complaints:

- John Fiorillo reported a net income of \$878,876.00,
- Charles Ferrato reported a net income of \$543,403.51, and,
- Edward Dilieto reported a net income of \$284,611.00.

According to their ethics filings, the three marshals reported gross fees charged in the amount of \$2,016,616.00, \$865,428.00 and \$581,896.00, respectively.

Assuming State Marshal's do burdens the property owner with the dollar per page overcharge and the additional service fee for the Lis Pendens; I still estimate only a 30% reduction in marshal's gross fees charged to the property owners and banks. More importantly, however, with adoption of HB 5174 homeowners, business owners and banks will not be burdened with millions of dollars in unnecessary fees.

***AN EXAMPLE OF A BREAKDOWN OF LEGAL  
AND MARSHAL FEES FORECLOSURE  
ACTION AT 535 Quinnipiac Ave New Haven,  
Connecticut:***

Attorney fees (includes cost of making organized copies of writ) \$468.00

Title Searcher Fee \$225.00

Connecticut State Marshal Fee \$488.60

**Total Cost to homeowner of Legal and Service of process fees: \$1,181.60**

**Breakdown of Marshal Fee of \$ 488.60:**

1) Tenant Search \$50.00

2) Service Fee for complaint \$130.00

3) Service Fee for Lis Pendens \$130.00

4) Travel fee for one trip to property \$25.00

5) Copies (dollar per page overcharge) \$53.00

6) Endorsements \$5.60

7) Town Clerk Fees (includes charge for copies of Lis Pendens) \$65.00

8) Search \$15.00

9) Certification \$15.00

**Total Cost of Marshal Fees \$488.60**

**If HB 5174 was enacted into law, the Service of Process Fee for 535  
Quinnipiac Ave would be just \$305.60, reducing the charges by \$183.00**